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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,600

06/26/2003

Guillaume Petitjean

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EXAMINER

SMITHERS, MATTHEW

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/606,600

Applicant(s)

PETITJEAN, GUILLAUME

Examiner

Matthew B. Smithers

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/26/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on June 28, 2002. It is noted, however, that applicant has not filed a certified copy of the 02/08114 application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

The information disclosure statement filed June 26, 2003 has been placed in the application file and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 5, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 provides for the use of marking with a binary code a video sequence compressed by motion calculation, but, since the claim does not set forth any steps involved in the method/process of marking a video sequence, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it

merely recites a use without active, positive steps delimiting how this use is actually practiced. Claim 1 provides a step of dividing each picture. The remainder of the claim states that pictures coded in the motion vector category and are greater than a predetermined threshold are marked. It is unclear how dividing the picture will lead to marking the video sequence with a binary code. Claim 5 is a dependent claim that further limits the threshold value in claim 1, but does not further define the process of claim 1. Claim 7 recites the means for performing the method of claim 1. Since it is unclear what method steps are being performed to mark a video sequence, it is also unclear as to what "means" are used to carry out each of the steps. Therefore, dependent claims 5, and 7 are also rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,715,005 granted to Masaki and further in view of U.S. patent 5,960,081 granted to Vynne et al.

Regarding claims 1, 2, 3, and 7, Masaki teaches a motion picture coding method and apparatus that divides each frame into a plurality of blocks, determines the type of coding (INTRA/INTER), compares the absolute value of the motion vector with a stored

threshold value and transfers the result to a motion vector coding unit (see Abstract; column 11, lines 44-63; column 12, lines 26-31; column 13, lines 41-45; column 16, lines 4-40 and Figures 14 and 15). Masaki fails to specifically teach marking the motion picture video sequence. Vynne teaches a method and apparatus for embedding a digital signature into motion vectors of a digital video (marking) using selected criteria (see Abstract; column 1, lines 5-7; column 7, lines 44-56 and column 8, lines 36-56). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Vynne's method and apparatus for embedding a digital signature into a video sequence with Masaki's method and apparatus for motion vector coding. One of ordinary skill in the art would have been motivated to combine the two in order to protect the video materials from hackers (see Vynne et al., column 2, lines 12-21).

Regarding claim 4, Masaki as modified teaches calculating a prediction error of each macroblock." see Maskai, column 12, lines 26-45 and Figure 5, element 117.

Regarding claim 5, Masaki as modified teaches said threshold is selected to correspond to a motion greater than 5 pixels from one picture to the next one." see Vynne et al., column 17, lines 55-58 (Selection criteria are need to select the blocks suitable for coding. . .); column 20, lines 26-28 (In Fig 4.5B, the blocks selected by the criteria . . . to be larger than 5 pixels . . .). and Figure 4.5 B.

Regarding claim 6, Masaki as modified teaches coding according to an MPEG standard." see Vynne et al., column 10, line 62 to column 11, line 13.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Valente et al. (US 6,895,118) discloses a method of coding a digital image and inserting a resynchronization marker into the binary data stream.

B. Kutter et al. (US 6,785,332) discloses a method for marking a compressed digital video signal.

C. Etoh et al. (US 20030206588) discloses a method for transforming data sequences in a moving picture coding system.

D. Hsiung et al. (US 20040236807) discloses a method for adaptively converting frame rates based on motion vector values.


E. Bodo et al., "A scrambling method based on disturbance of motion vector", discloses a technique for waterscrambling video data by disturbing motion vectors within the video data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Matthew B Smithers
Primary Examiner
Art Unit 2137